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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,837

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Dov Zimbalista

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49443 7590 06/30/2011  
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EXAMINER

ROCCA, JOSEPH M

ART UNIT

PAPER NUMBER

3616

NOTIFICATION DATE

DELIVERY MODE

06/30/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@pczlaw.com  
Arch-USPTO@pczlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,837	<b>Applicant(s)</b> ZIMBALISTA ET AL.	
	<b>Examiner</b> JOSEPH ROCCA	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,9,17,29,32,33,36 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,9,17,29,32,33,36 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/11 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Heyn (US 4,096,920).

Heyn discloses a maneuverable device for transporting a load over a surface, comprising:

a platform for supporting a load to be transported (note: the bottom part of the basket 11 can broadly be construed as a platform);

a base **10** (i.e. the base is construed as the lower part of the frame”) comprising a plurality of castors **20** (col. 2, lines 54-57, “the frame 10 has secured thereto two swivalable or casterable front wheels 20 engaging the ground”);

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at least one auxiliary wheel **31 or 32** mounted for rotation about at least one fixed axis (axle 34; col. 2, line 65 to col. 3, line 8) with respect to said base;

a power unit **25** configured for providing motive power to said at least one auxiliary wheel;

a driving unit **45** for steering said device, wherein the driving unit operates independently of said at least one auxiliary wheel (col. 3, lines 60-63, note: the “independently” limitation is met because the driving unit causes the casters to turn and has no effect on turning the at least one auxiliary wheels); and

a wheeled support **35** connected to the platform for supporting a user during operation of the platform, the connection enabling the wheeled support to swing laterally with respect to the platform (note: Fig. 2, which shows the support swinging laterally with respect to the platform; col. 3, lines 1-12 “vertical pivot point 36”).

Regarding claim 2, Heyn further discloses a deployment/retraction mechanism for selectively deploying and retracting said at least one auxiliary wheel **31 or 32** with respect to said surface, wherein when deployed said at least one auxiliary wheel is in traction contact with said surface, and wherein when retracted said at least one auxiliary wheel is distanced away from said surface (col. 2, line 65 to col. 3, line 39).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.  
try, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopper (US Pub. App. 2003/0159861) in view of Andes (US 6,443,252 B1) and WO 03/034968 A1 (cited by Applicant).

Hopper discloses a maneuverable device for transporting a load over a surface (i.e. a wheeled carriage for transporting a substantially horizontal patient (a motorized hospital bed)), comprising:

- a platform **120** for supporting a load to be transported;

- a base **118** comprising a plurality of castors **130-133**;

- at least one auxiliary wheel **136 or 138** mounted for rotation about at least one fixed axis with respect to said base;

- a power unit **192** configured for providing motive power to said at least one auxiliary wheel **136 or 138**;

- a driving unit **140** for steering said device, wherein the driving unit operates independently of said at least one auxiliary wheel (this is met because the driving unit causes the castors 130-133 to rotate and has no effect on turning the at least one auxiliary wheels 136 or 138).

Hopper does not teach the newly added limitation of a wheeled support connected to the platform for supporting a user during operation of the platform.

Andes teaches a wheel chair with a power unit powering said wheelchair and a driving unit for steering said wheel chair (i.e. an electric wheelchair). Andes' wheel chair further comprises a wheeled support **40** connected to the wheelchair for

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supporting a user during operation of the platform. Andes teaches that its wheeled support provides the improvement of allowing a caregiver or friend to be simultaneously transported along with the person sitting in the wheelchair (Andes, 1:63 to 2:1).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Hopper, such that Hopper further included a wheeled support connected to the platform for supporting a user during operation of the platform, in view of Andes, so as to achieve the desirable result of allowing a caregiver or friend to be simultaneously transported along with the person in the hospital bed. Further, Applicant should note that connecting a support of the type taught by Andes with the device taught by Hopper would be obvious as no more than the predictable improvement of a similar device (i.e. the motorized hospital bed) in the same way as a known device was known to be improved (i.e. the motorized wheelchair).<sup>1</sup> Specifically, utilizing a wheel support of the type taught by Andes, on Hopper's bed would yield predictable results, since one of ordinary skill in the art at the time of invention would have readily understood that using such a wheeled support of the type taught by Andes would achieve the same advantages on a bed as it did on a wheelchair (i.e. allowing a caregiver or friend to be simultaneously transported along with the person in the bed).

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<sup>1</sup> “[I]f a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. *Sakraida and Anderson’s-Black Rock* are illustrative – a court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007).

The combination of Hopper in view of Andes does not clearly further teach that the connection enables the wheeled support to swing laterally with respect to the platform.

WO 03/034968 A1 however teaches a similar wheeled support to that disclosed by Andes; however, the connection between the platform and wheeled support disclosed by WO 03/034968 A1 allows for lateral swinging (Fig. 7; page 3, last paragraph of attached translation discussing swivel 80 which allows for free rotation of platform in 3 directions of space).

It would have been obvious to one of ordinary skill in the art at the time of invention to have further modified the combination of Hopper in view of Andes, such that the connection between the platform and wheeled support enables the wheeled support to swing laterally with respect to the platform, in view of WO 03/034968 A1, since doing so would allow for increased maneuverability of the platform because it would now have an additional degree of freedom in regard to turning and traveling over surfaces. In addition to the above reasoning, Applicant should also observe that the above modification is obvious as no more than the predictable combination of familiar elements (i.e. a known wheeled support and a known connection for a wheeled support that allows for lateral movement) according to known methods (i.e. using the known connection for a wheeled support that allows for lateral swinging as a connection for a known wheeled support) in a manner that yields predictable results (i.e. a known wheeled support with a known connection that allows for lateral swinging). Also, the above modification is also obvious on the basis that it involves no more than the simple

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substitution of one known means of attaching a wheeled support in place of another known means for attaching a wheeled support in a manner that yields predictable results (i.e. using the connection of WO 03/034968 A1 in place of that of Andes).

Regarding claim 2, the combination of Hopper in view of Andes and WO 03/034968 A1 further teaches a deployment/retraction mechanism for selectively deploying and retracting said at least one auxiliary wheel **136, 138** with respect to said surface, wherein when deployed said at least one auxiliary wheel is in traction contact with said surface, and wherein when retracted said at least one auxiliary wheel is distanced away from said surface (See, Hopper Figs. 2-10; ¶¶ 0077-84).

Regarding claim 5, the combination of Hopper in view of Andes and WO 03/034968 A1 further teaches that said platform is mounted to said base by means of a pair of longitudinally spaced support columns (See, Hopper **122, 124**).

Regarding claim 29, the combination of Hopper in view of Andes and WO 03/034968 A1 further teaches that said device is in the form of a bed for transporting a patient along a ground surface (i.e. Hopper's device is a bed).

6. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hopper in view of Andes and WO 03/034968 A1, as applied to claims 1, 2, 5, and 29, further in view of Heimbrock (US 5,987,671). The combination of Hopper in view of Andes and WO 03/034968 A1 teaches all limitations of claim 9 except for said driving unit being retractably mounted to said platform. Specifically, as discussed above, Hopper's handles 140 are interpreted as the driving unit; but, these handles 140 are not taught as being retractably mounted to said platform. Heimbrock,

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however, teaches another hospital bed with similar handles **66, 68** and teaches that these handles retract into the bed surface (are drawn back towards the bed), so as to maximize a caregiver's access to the patient (Fig. 4; 9:40-46). It would have been obvious to one of ordinary skill in the art at the time of invention to have further modified the combination of Hopper in view of Andes and WO 03/034968 A1, such that said driving unit is retractably mounted to said platform, in view of Heimbrock, so as to achieve the desirable result of maximizing a caregiver's access to the patient.

Regarding claim 17, the combination of Hopper in view of Andes and WO 03/034968 A1, further in view of Heimbrock further teaches that said castors are configured to selectively operate in any one of at least two modes, including a neutral mode and a brake mode (specifically, said brakes are taught by Heimbrock – “Contact of the brake shoes with wheel 132 of each caster 44 stops rotation and swiveling movement of wheels 132 and casters 44” at 12:42-45).

7. Claims 32, 33, 36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hopper in view of Andes and WO 03/034968 A1, as applied to claims 1, 2, 5, and 29, further in view of Strong (US Pub. App. 2002/0175018). The combination of Hopper in view of Andes and WO 03/034968 A1 teaches all limitations of claim 32 except for a steering mechanism for collectively steering said plurality of castors in responsive to a controlling input from said driving unit. Strong discloses a steering mechanism for collectively steering a plurality of castors in responsive to a controlling input from said driving unit (Abstract, ¶¶ 0008-0020, 0055). Strong teaches that its steering mechanism is capable of being used on

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any type of wheeled driven vehicle or trailed device (§ 0055). Strong teaches that using a steering mechanism of the type claimed is useful in “provid[ing] direct steering control at higher speeds or uneven traction condition for vehicle stability and yet maintains the advantages of free rotating dolly wheel maneuverability at low speeds” (§ 0009). It would have been obvious to one of ordinary skill in the art at the time of invention to have further modified the combination of Hopper in view of Andes and WO 03/034968 A1, to utilize a steering mechanism for collectively steering said plurality of castors in responsive to a controlling input from said driving unit, in view of Strong, so as to achieve the desirable result providing direct steering control of the device at higher speeds and/or uneven traction condition for vehicle stability and also the ability to maintain the advantages of free rotating dolly wheel maneuverability at low speeds.

Regarding claim 33, the combination of Hopper in view of Andes and WO 03/034968 A1, further in view of Strong further teaches that said castors are configured to selectively operate in any one three modes, including a neutral mode, a steering mode and a brake mode (specifically Strong teaches these limitations as applied to the combination).

Regarding claim 36, the combination of Hopper in view of Andes and WO 03/034968 A1, further in view of Strong, further teaches a steering system for collectively steering said plurality of castors in the steering mode responsive to a controlling input from said driving unit (this is taught because Hopper teaches a driving unit and this when viewed in combination with Strong's driving unit, controller and

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steering system renders the limitation obvious based on the combined teachings of the references).

Regarding claim 40, the combination of Hopper in view of Andes and WO 03/034968 A1, further in view of Strong, further teaches that said device is in the form of a bed for transporting a patient along a ground surface (note: this is because Hopper as part of the combination teaches a bed).

8. Claims 1, 2, 5, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopper (US Pub. App. 2003/0159861) in view of Andes (US 6,443,252 B1) and Heyn (US 4,096,920).

Hopper discloses a maneuverable device for transporting a load over a surface (i.e. a wheeled carriage for transporting a substantially horizontal patient (a motorized hospital bed)), comprising:

- a platform **120** for supporting a load to be transported;

- a base **118** comprising a plurality of castors **130-133**;

- at least one auxiliary wheel **136 or 138** mounted for rotation about at least one fixed axis with respect to said base;

- a power unit **192** configured for providing motive power to said at least one auxiliary wheel **136 or 138**;

- a driving unit **140** for steering said device, wherein the driving unit operates independently of said at least one auxiliary wheel (this is met because

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the driving unit causes the castors 130-133 to rotate and has no effect on turning the at least one auxiliary wheels 136 or 138).

Hopper does not teach the newly added limitation of a wheeled support connected to the platform for supporting a user during operation of the platform.

Andes teaches a wheel chair with a power unit powering said wheelchair and a driving unit for steering said wheel chair (i.e. an electric wheelchair). Andes' wheel chair further comprises a wheeled support **40** connected to the wheelchair for supporting a user during operation of the platform. Andes teaches that its wheeled support provides the improvement of allowing a caregiver or friend to be simultaneously transported along with the person sitting in the wheelchair (Andes, 1:63 to 2:1).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Hopper, such that Hopper further included a wheeled support connected to the platform for supporting a user during operation of the platform, in view of Andes, so as to achieve the desirable result of allowing a caregiver or friend to be simultaneously transported along with the person in the hospital bed. Further, Applicant should note that connecting a support of the type taught by Andes with the device taught by Hopper would be obvious as no more than the predictable improvement of a similar device (i.e. the motorized hospital bed) in the same way as a known device was known to be improved (i.e. the motorized wheelchair). Specifically, utilizing a wheel support of the type taught by Andes, on Hopper's bed would yield predictable results, since one of ordinary skill in the art at the time of invention would have readily understood that using such a wheeled support of the type taught by Andes

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would achieve the same advantages on a bed as it did on a wheelchair (i.e. allowing a caregiver or friend to be simultaneously transported along with the person in the bed).

The combination of Hopper in view of Andes does not clearly further teach that the connection enables the wheeled support to swing laterally with respect to the platform.

Heyn teaches a wheeled support **35** having a wheeled support connection that allows for lateral swinging (Fig. 2; col. 3, lines 11-12 “vertical pivot point 36” NOTE: in viewing the teachings of Heyn, Applicant should also observe the teachings of the embodiment shown in Heyn Fig. 4)

It would have been obvious to one of ordinary skill in the art at the time of invention to have further modified the combination of Hopper in view of Andes, such that the connection between the platform and wheeled support enables the wheeled support to swing laterally with respect to the platform, in view of Heyn, since doing so would allow for increased maneuverability of the platform because it would now have an additional degree of freedom in regard to turning and traveling over surfaces. In addition to the above reasoning, Applicant should also observe that the above modification is obvious as no more than the predictable combination of familiar elements (i.e. a known wheeled support and a known connection for a wheeled support that allows for lateral movement) according to known methods (i.e. using the known connection for a wheeled support that allows for lateral swinging as a connection for a known wheeled support) in a manner that yields predictable results (i.e. a known wheeled support with a known connection that allows for lateral swinging). Also, the

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above modification is also obvious on the basis that it involves no more than the simple substitution of one known means of attaching a wheeled support in place of another known means for attaching a wheeled support in a manner that yields predictable results (i.e. using the connection of Heyn in place of that of Andes).

Regarding claim 2, the combination of Hopper in view of Andes and Heyn further teaches a deployment/retraction mechanism for selectively deploying and retracting said at least one auxiliary wheel **136, 138** with respect to said surface, wherein when deployed said at least one auxiliary wheel is in traction contact with said surface, and wherein when retracted said at least one auxiliary wheel is distanced away from said surface (See, Hopper Figs. 2-10; ¶¶ 0077-84).

Regarding claim 5, the combination of Hopper in view of Andes and Heyn further teaches that said platform is mounted to said base by means of a pair of longitudinally spaced support columns (See, Hopper **122, 124**).

Regarding claim 29, the combination of Hopper in view of Andes and Heyn further teaches that said device is in the form of a bed for transporting a patient along a ground surface (i.e. Hopper's device is a bed).

9. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hopper in view of Andes and Heyn, as applied to claims 1, 2, 5, and 29, further in view of Heimbrock (US 5,987,671). The combination of Hopper in view of Andes and Heyn teaches all limitations of claim 9 except for said driving unit being retractably mounted to said platform. Specifically, as discussed above, Hopper's handles 140 are interpreted as the driving unit; but, these handles 140 are not taught as

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being retractably mounted to said platform. Heimbrock, however, teaches another hospital bed with similar handles **66, 68** and teaches that these handles retract into the bed surface (are drawn back towards the bed), so as to maximize a caregiver's access to the patient (Fig. 4; 9:40-46). It would have been obvious to one of ordinary skill in the art at the time of invention to have further modified the combination of Hopper in view of Andes and Heyn, such that said driving unit is retractably mounted to said platform, in view of Heimbrock, so as to achieve the desirable result of maximizing a caregiver's access to the patient.

Regarding claim 17, the combination of Hopper in view of Andes and Heyn, further in view of Heimbrock further teaches that said castors are configured to selectively operate in any one of at least two modes, including a neutral mode and a brake mode (specifically, said brakes are taught by Heimbrock – “Contact of the brake shoes with wheel 132 of each caster 44 stops rotation and swiveling movement of wheels 132 and casters 44” at 12:42-45).

10. Claims 32, 33, 36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hopper in view of Andes and Heyn, as applied to claims 1, 2, 5, and 29, further in view of Strong (US Pub. App. 2002/0175018). The combination of Hopper in view of Andes and Heyn teaches all limitations of claim 32 except for a steering mechanism for collectively steering said plurality of castors in responsive to a controlling input from said driving unit. Strong discloses a steering mechanism for collectively steering a plurality of castors in responsive to a controlling input from said driving unit (Abstract, ¶¶ 0008-0020, 0055). Strong teaches that its

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steering mechanism is capable of being used on any type of wheeled driven vehicle or trailed device (§ 0055). Strong teaches that using a steering mechanism of the type claimed is useful in “provid[ing] direct steering control at higher speeds or uneven traction condition for vehicle stability and yet maintains the advantages of free rotating dolly wheel maneuverability at low speeds” (§ 0009). It would have been obvious to one of ordinary skill in the art at the time of invention to have further modified the combination of Hopper in view of Andes and Heyn, to utilize a steering mechanism for collectively steering said plurality of castors in responsive to a controlling input from said driving unit, in view of Strong, so as to achieve the desirable result providing direct steering control of the device at higher speeds and/or uneven traction condition for vehicle stability and also the ability to maintain the advantages of free rotating dolly wheel maneuverability at low speeds.

Regarding claim 33, the combination of Hopper in view of Andes and Heyn, further in view of Strong further teaches that said castors are configured to selectively operate in any one three modes, including a neutral mode, a steering mode and a brake mode (specifically Strong teaches these limitations as applied to the combination).

Regarding claim 36, the combination of Hopper in view of Andes and Heyn, further in view of Strong, further teaches a steering system for collectively steering said plurality of castors in the steering mode responsive to a controlling input from said driving unit (this is taught because Hopper teaches a driving unit and this when viewed in combination with Strong’s driving unit, controller and steering system renders the limitation obvious based on the combined teachings of the references).

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Regarding claim 40, the combination of Hopper in view of Andes and Heyn, further in view of Strong, further teaches that said device is in the form of a bed for transporting a patient along a ground surface (note: this is because Hopper as part of the combination teaches a bed).

11. Claims 1, 2, 5, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopper (US Pub. App. 2003/0159861) in view of WO 03/034968 A1 (cited by Applicant).

Hopper discloses a maneuverable device for transporting a load over a surface (i.e. a wheeled carriage for transporting a substantially horizontal patient (a motorized hospital bed)), comprising:

- a platform **120** for supporting a load to be transported;

- a base **118** comprising a plurality of castors **130-133**;

- at least one auxiliary wheel **136 or 138** mounted for rotation about at least one fixed axis with respect to said base;

- a power unit **192** configured for providing motive power to said at least one auxiliary wheel **136 or 138**;

- a driving unit **140** for steering said device, wherein the driving unit operates independently of said at least one auxiliary wheel (this is met because the driving unit causes the castors 130-133 to rotate and has no effect on turning the at least one auxiliary wheels 136 or 138).

Hopper does not teach the newly added limitation of a wheeled support connected to the platform for supporting a user during operation of the platform, the connection enabling the wheeled support to swing laterally with respect to the platform.

WO 03/034968 A1 teaches a wheel chair with a power unit powering said wheelchair and a driving unit for steering said wheel chair (i.e. an electric wheelchair). WO 03/034968 A1 further teaches a wheeled support **7** connected to the wheelchair for supporting a user during operation of the platform, the connection enabling the wheeled support to swing laterally with respect to the platform (p. 3 last paragraph of attached translation discussing swivel 80 which allows for free rotation of platform in 3 directions of space). WO 03/034968 A1 teaches that this wheeled support provides the improvement of allowing a person to drive the wheelchair (WO 03/034968 A1, p. 3).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Hopper, such that Hopper further included a wheeled support connected to the platform for supporting a user during operation of the platform the connection enabling the wheeled support to swing laterally with respect to the platform, in view of WO 03/034968 A1, so as to achieve the desirable result of allowing person to drive the bed. Further, Applicant should note that connecting a support of the type taught by WO 03/034968 A1 with the device taught by Hopper would be obvious as no more than the predictable improvement of a similar device (i.e. the motorized hospital bed) in the same way as a known device was known to be improved (i.e. the motorized wheelchair). Specifically, utilizing a wheel support of the type taught by WO 03/034968 A1, on Hopper's bed would yield predictable results, since one of ordinary skill in the art

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at the time of invention would have readily understood that using such a wheeled support of the type taught by WO 03/034968 A1 would achieve the same advantages on a bed as it did on a wheelchair (i.e. allowing a person to drive the bed).

Regarding claim 2, the combination of Hopper in view of WO 03/034968 A1 further teaches a deployment/retraction mechanism for selectively deploying and retracting said at least one auxiliary wheel **136, 138** with respect to said surface, wherein when deployed said at least one auxiliary wheel is in traction contact with said surface, and wherein when retracted said at least one auxiliary wheel is distanced away from said surface (See, Hopper Figs. 2-10; ¶¶ 0077-84).

Regarding claim 5, the combination of Hopper in view of WO 03/034968 A1 further teaches that said platform is mounted to said base by means of a pair of longitudinally spaced support columns (See, Hopper **122, 124**).

Regarding claim 29, the combination of Hopper in view of WO 03/034968 A1 further teaches that said device is in the form of a bed for transporting a patient along a ground surface (i.e. Hopper's device is a bed).

12. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hopper in view of WO 03/034968 A1, as applied to claims 1, 2, 5, and 29, further in view of Heimbrock (US 5,987,671). The combination of Hopper in view of WO 03/034968 A1 teaches all limitations of claim 9 except for said driving unit being retractably mounted to said platform. Specifically, as discussed above, Hopper's handles 140 are interpreted as the driving unit; but, these handles 140 are not taught as being retractably mounted to said platform. Heimbrock, however, teaches another

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hospital bed with similar handles **66, 68** and teaches that these handles retract into the bed surface (are drawn back towards the bed), so as to maximize a caregiver's access to the patient (Fig. 4; 9:40-46). It would have been obvious to one of ordinary skill in the art at the time of invention to have further modified the combination of Hopper in view of WO 03/034968 A1, such that said driving unit is retractably mounted to said platform, in view of Heimbrock, so as to achieve the desirable result of maximizing a caregiver's access to the patient.

Regarding claim 17, the combination of Hopper in view of WO 03/034968 A1, further in view of Heimbrock further teaches that said castors are configured to selectively operate in any one of at least two modes, including a neutral mode and a brake mode (specifically, said brakes are taught by Heimbrock – "Contact of the brake shoes with wheel 132 of each caster 44 stops rotation and swiveling movement of wheels 132 and casters 44" at 12:42-45).

13. Claims 32, 33, 36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hopper in view of WO 03/034968 A1, as applied to claims 1, 2, 5, and 29, further in view of Strong (US Pub. App. 2002/0175018). The combination of Hopper in view of WO 03/034968 A1 teaches all limitations of claim 32 except for a steering mechanism for collectively steering said plurality of castors in responsive to a controlling input from said driving unit. Strong discloses a steering mechanism for collectively steering a plurality of castors in responsive to a controlling input from said driving unit (Abstract, ¶¶ 0008-0020, 0055). Strong teaches that its steering mechanism is capable of being used on any type of wheeled driven vehicle or

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trailed device (§ 0055). Strong teaches that using a steering mechanism of the type claimed is useful in “provid[ing] direct steering control at higher speeds or uneven traction condition for vehicle stability and yet maintains the advantages of free rotating dolly wheel maneuverability at low speeds” (§ 0009). It would have been obvious to one of ordinary skill in the art at the time of invention to have further modified the combination of Hopper in view of WO 03/034968 A1, to utilize a steering mechanism for collectively steering said plurality of castors in responsive to a controlling input from said driving unit, in view of Strong, so as to achieve the desirable result providing direct steering control of the device at higher speeds and/or uneven traction condition for vehicle stability and also the ability to maintain the advantages of free rotating dolly wheel maneuverability at low speeds.

Regarding claim 33, the combination of Hopper in view of WO 03/034968 A1, further in view of Strong further teaches that said castors are configured to selectively operate in any one three modes, including a neutral mode, a steering mode and a brake mode (specifically Strong teaches these limitations as applied to the combination).

Regarding claim 36, the combination of Hopper in view of WO 03/034968 A1, further in view of Strong, further teaches a steering system for collectively steering said plurality of castors in the steering mode responsive to a controlling input from said driving unit (this is taught because Hopper teaches a driving unit and this when viewed in combination with Strong’s driving unit, controller and steering system renders the limitation obvious based on the combined teachings of the references).

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Regarding claim 40, the combination of Hopper in view of WO 03/034968 A1, further in view of Strong, further teaches that said device is in the form of a bed for transporting a patient along a ground surface (note: this is because Hopper as part of the combination teaches a bed).

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1, 2, 5, 9, 17, 29, 32, 33, 36, and 40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH ROCCA whose telephone number is (571)272-5191. The examiner can normally be reached on 8:00 AM to 6:30 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Joseph Rocca/  
Examiner, Art Unit 3616